

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ORLANDO GARIBAY,

Plaintiff,

vs.

VALERIE ADAIR, *et al.*,

Defendants.

Case No. 3:09-cv-0458-BES-RAM

**ORDER**

On August 13, 2009, Plaintiff submitted a "Notice of Intent to File Civil Rights Complaint Pursuant to 42 U.S.C. § 1983" (#1-2). On August 24, 2009, the Court dismissed Plaintiff's action without prejudice for failure to comply with 28 U.S.C. § 1915 and the Local Rules for the District of Nevada. (#3). The Court instructed Plaintiff that he could initiate a new action in which he either paid the full \$350.00 filing fee or submit an application to proceed *in forma pauperis* with a complaint on the proper forms. The Court entered judgment and closed the case on September 27 2009. (#4).

On September 4, 2009, Plaintiff submitted a "Notice of Compliance" (#5) stating that the filing fee in this case would be paid through an attorney (who has not entered an appearance on behalf of Plaintiff). On September 25, 2009, Plaintiff submitted "Request to Submit Documents" (#6) containing correspondence between Plaintiff and the Eighth Judicial District Court for the State of Nevada.

Plaintiff has failed to comply with this Court's order (#3). He must initiate a **NEW** action with the filing fee paid in full or a complete and signed *in forma pauperis* application, accompanied by a signed and executed financial certificate and a copy of his trust account statement, and a complaint on the forms provided by this Court.

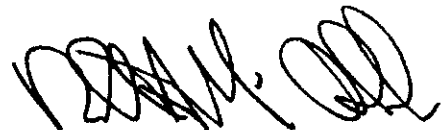
**IT IS THEREFORE ORDERED** that the Plaintiff's Notice of Compliance (#5) and Request to Submit Documents (#6) are **STRICKEN** from the record.

1           **IT IS FURTHER ORDERED** that the Clerk of the Court shall return the documents and  
2 attachments to the Plaintiff.

3           **IT IS FURTHER ORDERED** that the Clerk of the Court shall send to Plaintiff an application  
4 to proceed *in forma pauperis* for incarcerated litigants with instructions and a civil rights complaint  
5 form.

6           **IT IS FURTHER ORDERED** that the Court will NOT accept any further filings or submissions  
7 from Plaintiff in this case.

8           DATED: September 30, 2009.

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11 UNITED STATES MAGISTRATE JUDGE  
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